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January 18, 2008

FILED
Clerk
District Court

JAN 18 2008

Honorable Alex R. Munson
Chief Justice
District Court for the Northern Mariana Islands
2nd Floor, Horiguchi Building
Garapan Village
P.O. Box 500687
Saipan, MP 96950

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Re: CJA-ReAppointment of Counsel
CR-03-00018
USA v. ZHU, LIAN KUN

Dear Judge Munson:

On November 26, 2007, I was notified by this Court that I had been re-appointed to represent Mr. Zhu and investigate his request for assistance to exercise his rights under 28 USC § 2255.

In accordance with that re-appointment, I have spoken with Mr. Zhu on several occasions, including this morning, have researched and reviewed with him what I believe are the 2255 options available to him, and have also explored and exhausted with the AUSA Craig Moore other options that might be available to Mr. Zhu to reduce the sentence he is currently serving. To date, I have been unable to locate an avenue that I believe would justify a 2255 motion on his behalf that we have not already tried on appeal or motion for a new trial.

In my opinion, the only option remaining would be a 2255 motion claiming insufficient assistance of counsel - and although I believe he had sufficient counsel - I am not the proper attorney to advise him on that matter since I was his court-appointed counsel at trial and on appeal.

Accordingly, I am notifying this court of this situation, and requesting that other counsel be appointed for Mr. Zhu to advise him of any remaining 2255 options that might be available to him.

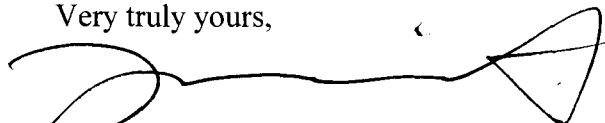
I note for this Court, and have also advised Mr. Zhu, that I believe his deadline for filing a 2255 motion is February 28, 2008. I reached that date as follows: Petition for rehearing was denied

November 30, 2006. Judgment became final 90 days later on February 28, 2007. 2255 motion must be filed within one (1) year of final judgment. See *US v. Carlos Garcia-Mesa*, 2007 US Dist. LEXIS 69376.

Letter to Hon. Chief Justice Alex R. Munson, District Court for the NMI
January 18, 2008
Page 2 of 2

Thank you for much for your prompt attention to this matter. Please let me immediately if you believe some other filing is necessary to appoint other counsel for Mr. Zhu.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'F' followed by a horizontal line and a loop at the end.

F. MATTHEW SMITH
Attorney at Law

cc: Galo L. Perez, Clerk of Court
Mr. Zhu, Lian Kun